

UNITED STATES DISTRICT COURT, DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN, EASTERN DISTRICT-WI
FILED

UNITED STATES OF AMERICA, and
The STATE OF WISCONSIN, *ex rel.*,
DR. CLARK SEARLE,

Plaintiffs,

v.

AGNESIAN HEALTHCARE, INC. and
FOND DU LAC REGIONAL CLINIC, S.C.,

Defendants.

2017 APR 13 P 2:01

JON W. SANFILIPPO
CLERK

FILED UNDER SEAL

Civil Action No. 14-C-969

UNITED STATES' NOTICE OF ELECTION TO DECLINE INTERVENTION

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States respectfully notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, it respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* Therefore, the United States requests that, should either the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Further, pursuant to 31 U.S.C. § 3730(c)(3), the United States respectfully requests that all filings in this action, including but not limited to any notices of appeal, be served upon the United States, including but not limited to any notice of appeal. The United States also requests that orders issued by the Court be sent to the United States. The United States reserves its right

to order any deposition transcripts, to intervene in this action for good cause at a later date, and to seek the dismissal of the relator's action or claim.

Finally, the United States respectfully requests that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain sealed because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.


Dated this 13th day of April, 2017.

Respectfully submitted,

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